

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JEFFREY HAW,
Plaintiff,
v.
JOHN HOWARD,
Defendant.

No. C 12-5167 SI

**ORDER REMANDING ACTION TO
ALAMEDA COUNTY SUPERIOR
COURT**

On August 30, 2012, plaintiff Jeffrey Haw filed a case in Alameda County Superior Court against defendant John Howard for unlawful detainer. On September 4, 2012, defendant filed a notice of removal to this Court, asserting federal subject matter jurisdiction under 28 U.S.C. § 1331, because the action allegedly arises under 28 U.S.C. § 1655, 42 U.S.C. §§ 12181-89, and 11 U.S.C. § 1983. On October 30, 2012, plaintiff filed a motion to remand to case to the Alameda County Superior Court.

On November 27, 2012, Magistrate Judge Cousins filed a Report and Recommendation recommending that the Court grant defendant's motion to remand. The Court has reviewed the Report and Recommendation, the complaint, and the motion to remand, and concludes that the case should be remanded for the reasons set forth in the Report and Recommendation. Accordingly, the Court ADOPTS the Report and Recommendation and REMANDS the case to the Alameda County Superior Court.

IT IS SO ORDERED.

Dated: December 13, 2012

Susan Illston
SUSAN ILLSTON
United States District Judge